

Atty. Docket No.: UCF-394

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**RECEIVED**
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APR 10 2006

Applicant: SEAL
Serial No.: 10/655,986
Filed: 09/05/2003
For: SYNTHESIS OF TETRAGONAL PHASE STABILIZED NANO AND
SUBMICRON SIZED NANOPARTICLES
Examiner: MILLER, DANIEL H Group: 1775 Confirmation No: 1954

ELECTIONCommissioner of Patents
And Trademarks

Honorable Commissioner:

I enclose the following papers:

1. Election

Please enter the above correspondence.

Respectfully submitted

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CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 3 pages

4/10, 2006
Date

Brian S. Steinberger
(Name of Person Transmitting Paper)

[Signature]
(Signature of Person Transmitting Paper)

Atty. Docket No.:UCF-374

IN THE UNITED STATES PATENT
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ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed March 24, 2006, Applicant elects to prosecute with traverse, Invention I, Claims 1-7 and 21-30, drawn to tetragonal phase nanoparticles, classified in class 428, subclass 408. Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: Claims 1-7, 21-30, drawn to tetragonal phase nanoparticles, classified in class 428, subclass 408.

Invention II: Claims 8-20, drawn to method tetragonal phase nanoparticles, classified in class 423, subclass 445.

Applicant agrees there are separate inventions, however, applicant disagrees with the restriction requirement for several reasons.

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A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions. In fact, the examiner admits the two inventions are searchable and classified in similar and overlapping classes and subclasses.


Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Inventions I and II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute Invention I, Claims 1-7, 21-30, drawn to tetragonal phase nanoparticles, classified in class 428, subclass 408 with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:


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4/10/06